IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

MFA.No. 285 of 2001(B)

O.P(MV).NO.719/1998 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM.
.....

APPELLANT/PETITIONER:

E.N. PARAMESWARAN ALIAS E.M. PARAMESWARAN,
S/O. E.M. NARAYANAN NAMBOODIRI, AGED 45 YEARS,
ELAYEDATHEMANA, POST VALAMBILIMANGALAM,
SREEKRISHNAPURAM, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENTS/RESPONDENTS:
----

1. **SRI. M.C. RADHAKRISHNAN, S/O. NARAYANA THARAKAN, AGED 44 YEARS, RESIDING AT CHANDRIGIRI AT MUDAPPILAVU, CHAMOTHEVEEDU, THIRUVAZHIYODE POST, VIA. SREEKRISHNAPURAM, OTTAPPALAM TALUK.**

2. **THE UNITED INDIA INSURANCE CO. LTD., OTTAPPALAM, (POLICY NO. 3/050/16/04606/97 VALID UPTO 05/01/1998).**

3. **E.N. SASI, S/O. E.M. NARAYANAN NAMBOODIRI, AGED 39 YEARS, RESIDING AT ELAYEDATH HOUSE, PALLIPPURAM, PATTAMBI.**

4. **THE ORIENTAL INSURANCE CO. LTD., PATTAMBI, (POLICY NO. 91/98 VALID FROM 15/04/97 TO 14/04/98).**

BY ADV. SRI.SANTHEEP ANKARATH,
SRI.P.V.JYOTHI PRASAD,
SMT.P.A.REZIYA,

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 29/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 285 of 2001

JUDGMENT

Koshy, J.

The appellant met with an accident, by which he suffered the following injuries:

1) Contused lacerated wound 5 x 2 x 1 cm over anterior medial aspect of (R) leg;

2) Contused lacerated wound 3 x 1 x 1 cm over anterior aspect of lower 2/3rd of (R) leg.

3) Deformity and swelling of (R) leg."

He was hospitalised at the first instance for a period of 19 days and thereafter for another 19 days. Interlocking nailing and reduction and internal fixation were done. He was an employee of Kerala State Electricity Board. The main contention of the appellant is that for loss of

amenities and enjoyment in life only Rs.5,000/- and Rs.12,000/- for pain and suffering were awarded by the Tribunal. It is seen that the amount of Rs.12,000/- was awarded as head injury compensation. There is no head injury. The Tribunal only meant under the head "injury compensation" Rs.12,000/- can be granted. It is for the loss of amenities due to the injuries. As a result of the accident his employment was not lost. However, he has to carry on the difficulties throughout his life and getting another employment after the retirement has also become impossible. Considering these factors, even though no compensation can be granted on multiplier method, we are of the view that Rs.7,000/- can be granted for permanent disability, for loss of earning power, etc. in addition to the amount awarded by the Tribunal. The above additional amount of Rs.7,000/- shall be deposited by the second respondent Insurance Company with 7% interest from the date of

application till its deposit. On deposit of the above amount, the appellant is allowed to withdraw the same.

(J.B.Koshy, Judge)

29th June, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.285 of 2001

JUDGMENT

29th June, 2007